

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION BY SCS)
CARBON TRANSPORT LLC FOR A PERMIT TO)
CONSTRUCT A CARBON DIOXIDE TRANSMISSION)
PIPELINE)
)**

**NOTICE OF HEARING ON LESS
THAN TEN DAYS' NOTICE**

HP24-001

On November 19, 2024, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit to Construct a Carbon Dioxide Transmission Pipeline (Application) from SCS Carbon Transport LLC (Summit or Applicant), a limited liability company owned by Summit Carbon Solutions, LLC. Applicant proposes to construct and operate a carbon dioxide (CO₂) transmission pipeline (Project). The Project, which has been named the Midwest Carbon Express pipeline, is approximately 2,500 miles of pipelines for the transportation of CO₂ from ethanol plants across five states to underground injection wells in North Dakota. The South Dakota portion of the Project is approximately 698 miles, crossing 23 counties. The Commission held public input meetings on the Application at six locations in proximity to the route on January 15-17, 2025.

On November 21, 2024, the Commission issued a Notice of Application; Order for and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status and electronically transmitted notice of the filing and the intervention deadline of January 24, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. The Commission has received and granted Applications for Party Status from a number of persons, including governmental entities.

A procedural schedule was adopted by the Commission by Order dated January 31, 2025. On March 12, 2025, Applicant filed a Motion to Suspend Current Scheduling Order and Extend Current Deadline Indefinitely (Motion to Suspend Schedule). The Commission then issued a Notice of Hearing, scheduling the Motion to Suspend Schedule to be heard on April 10, 2025. On March 27, 2025, attorney Brian Jorde, representing several intervenors, filed a Landowners' Motion to Deny Application, which the Commission has also noticed to be heard on April 10, 2025.

On March 27, 2025, the Commission received a letter from Spink County, a party in this proceeding, requesting attorney fee reimbursement. On March 31, 2025, Commission Counsel filed a letter notifying Spink County that the filing was improperly submitted pursuant to SDCL 15-6-11(a), which requires the filing to be signed by an attorney. Subsequently, on March 31, 2025, Spink County filed Spink County Commission's Motion for Attorney's Fees.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, and 49-41B. The Commission finds that because the Commission is hearing the other pending motions at the April 10 meeting, it is in the interest of judicial economy to hear this Motion on that date, therefore, good cause exists to hear this Motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Spink County Commission's Motion for Attorney's Fees will be held on April 10, 2025, at 2:30 p.m. CT in room 413 in the State Capitol Building in Pierre, South Dakota during the Commission's regularly scheduled meeting.¹

¹ Please note that the Regularly Schedule Commission Meeting will begin at an earlier time. However, the Commission will recess prior to taking up this matter, and this matter will be heard at 2:30.

Dated at Pierre, South Dakota, this 15th day of April 2025.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Paul L. Tierst

Date: 4/1/2025

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner